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SUBJECT: (C-AL6-01852) South China Rights Protection Part I:
Funding Legal Activists and the Future

REF: A) Guangzhou 32364; B) Secstate 182540; C) Guangzhou
32161; D) Guangzhou 29575; E) Beijing 06612

11. (U) Classified by Consul General Robert Goldberg.
Reason 1.4 (d).

12. (C) SUMMARY: Rights activists in South China believe that access to money and the ability to organize and address issues of concern are among the key problems they will continue to face in the future. They know that foreign donors might be willing to fund them, but are often unaware of how to obtain money. Some of them believe that well-known activists such as Gao Zhisheng and others use law firm earnings to fund legal activism, while others mentioned the National Endowment for Democracy, Human Rights in China, China Labor Bulletin and overseas Chinese as possible sources. Many activists point to labor rights protection, in which many NGOs are involved, as an area for future organization. Discussion over the future of the movement in the aftermath of the detention of Gao Zhisheng (August) and Yang Maodong (September), aka Guo Feixiong, is divided between greater activism and more low key, long-term strategies, the latter of which will be examined in a second cable. END SUMMARY.

13. (C) A number of South China activists connected with the Rights Protection Movement ("weiquan yundong," ref E) - a loose network of lawyers, journalists and other activists - have recently discussed with Congenoff their understanding of possible funding sources for legal activists and long-run strategies.

14. (C) Lin Xinyu (protect), a dissident writer from Fuzhou, Fujian province (ref C), who claims he has been a human rights activist for 20 years, believes that Gao Zhisheng likely earned money early in his career from his private law firm, which was later used for rights protection activities. Lin said that some activist lawyers working on low-paying rights protection cases sometimes ask for "voluntary money" from their defendants to fund their activities. Lin believes that (besides the United States) Italy, Germany and Canada are the largest foreign donors to activists. He claims to have been offered money by the Xi'an activist, Lin Mu, now recently deceased, and Nanjing activist Yan Tianshui, but he refused because he is already receiving money from his family and considers outside money to be "too sensitive."

15. (C) Tang Jingling (protect), a lawyer known among

activists for defending Taishi villagers in 2005 in their attempt to remove corrupt village leaders, also recently told Congenoff that Gao Zhisheng's money likely came from his lucrative law firm. Tang said that if lawyers opened a law firm before 1994, they could "make a lot of money" without having to rely on personal connections such as judges or companies. Gao reportedly opened his law firm in 1995 but was nevertheless very successful in the 1990s. Tang said that by law, a law firm must have at least RMB 1 million (USD 125,000) starting capital and some law partners can earn up to RMB 10-20 million a year (USD 1.25-2.5 million).

16. (C) Tang has continued as a political activist despite difficulties with authorities. In September 2006, Tang was detained in Guangzhou while trying to travel to Hong Kong (Note: Tang is still planning to sue the Shantou City government because they illegally confiscated his passport, ref D. End note.). In November 2005, he lost his law license, but earns money by providing unofficial legal advice to groups (for example in Shenzhen, ref A).

17. (C) Li Xiaolong (protect), a Nanning-based activist who previously worked with the Beijing-based rights protection group Empowerment and Rights Institute (EARI), thought Gao's money came from the National Endowment for Democracy (NED). Li said that he personally never received any overseas money, but wishes he had. He is upset that many Chinese dissidents who flee to America and do not support Mainland activists. Xiaoxia (Sasha) Gong (protect) from the AFL-CIO's Solidarity Center said specifically that Gao Zhisheng was funded by the NED, Human Rights in China, and China Labor Bulletin - the latter also receives funding from the Solidarity Center. Gong, who previously worked for Radio Free Asia (RFA) in Washington, stressed the importance of the rights protectionists for RFA in China, because activists are "virtually the only information

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sources and audience" for the broadcasting company. The South China Morning Post's Guangzhou correspondent, Leu Siew Ying (who is herself an overseas Chinese from Singapore), said that many overseas Chinese are increasingly donating money to rights activists. Leu said that Guo Feixiong's Guangzhou apartment/office was likely paid for by a private overseas donor.

Future of Rights Protection Movement

18. (C) Tang Jingling told Congenoff recently of a meeting he had with other important South China activists, including Lin Xinyu, Shenzhen-based Zhao Dagong from the Independent Chinese PEN Center (ICPC), and Dongguan-based Li Weizhong from China Labor Watch. The group agreed there are three main problems to the future development of rights protection: money, organization/leadership, and media coverage. First, Tang said that money is "the bottleneck of rights protection." Although the activist community tries to support individuals who are effectively promoting rights protection, funds are insufficient. Second, the group believes that the Rights Protection Movement lacks strong organization and leadership and hopes to emulate the organizational structure and independent media resources of the Falun Gong. According to Tang, there are "too many heroes, but not enough leaders;" consequently, the rights protection network "remains weak." Tang did not believe that Gao or Guo could return to provide leadership as he expects their trials will not take place until 2007, either before or after the 17th Party Congress. The group discussed other possible leaders for a more-organized rights protection network, including: Wang Youcai, Wei Jingsheng, Xu Wenli, Wang Dang - all in America - and Xu Wangping, currently in Chongqing. Additionally, the group was concerned about how to recruit the next generation of talented activists. Lin specifically wanted the USG to focus on encouraging China to liberalize its restricted

media, which he believes is the most hindering factor to the spread of the rights protection. He plans to write an article on the fact that China, unlike most countries of the world, does not have a law specifically dealing with the media.

Importance of Labor NGOs

¶9. (C) Tang and Lin agreed that urban labor rights protection, more than rural unrest, is perhaps the most important area of future activism. Lin said that migrant workers often have higher social status and educational levels than rural protestors, and could better understand the theories behind rights protection. Moreover, the Central Government seems to have allowed labor NGOs to flourish across China, because they see a value in a stable, educated work-force. Tang, who used to work for China Labor Watch, said that the Pearl River Delta has over 100 labor NGOs alone, with about 70 percent of them in Shenzhen, most of them being very small operations. Sasha Gong also agreed that labor has real potential for rights reform in China because workers have better access to information and protests would be closer to major media sources.

¶10. (C) Labor legal aid groups have also been much more successful at acquiring money. Gong said that the Solidarity Center provides approximately USD 50,000 a year to Zhou Litai, a labor rights protection lawyer, who provides legal services for about 800 migrant workers. Other labor legal aid groups are also successful such as "Little Bird" (xiaoxiao niao), which receives money from the USG, German government and soon the International Republican Institute (IRI). Gong also mentioned that Peking University's Center for Women's Law Studies and Legal Services receives from the American Bar Association.

Future of Movement: Political Gains vs Longevity

¶11. (C) Tang believes the movement should become even more political. Specifically, he hopes to see more independent candidates, petitions and protests. He said that last year the movement was mostly composed of lawyers and journalists, but it now needs more activists with political skills. On August 15, Tang started a "Non-cooperation campaign" to encourage people to either boycott their local election or

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to vote for independent candidates. Instead of voting for party members, Tang hopes people will mail their ballots to him. He plans to collect the ballots as proof of the people's dissatisfaction with the CCP. So far Tang says he has received 55 votes from 20 provinces and that both Asahi news in Japan and Taiwan National Radio have written about the movement.

¶12. Other activists disagree with Tang, seeing the need to build organizational and leadership capabilities before engaging in more high-profile activities. These activists take a long-term approach, arguing that a more robust rights movement requires fewer "symbolic heroes" (Gao Zhisheng and Guo Feixiong) and more "leaders."

Comment

¶13. (C) The activist movement in China has changed from the 1989 Tiananmen Square Incident - an overt call for regime change - to the 1998 China Democracy Party - an overt organized organization - to the Rights Protection Movement, a loose, "virtual" network of activists that is without a unified mission, representation, or bureaucracy. The Rights Protection Movement in South China remains disjointed and is centered around small nodes of activists (namely in Guangzhou, Dongguan, Shenzhen and Nanning)

united by overseas websites, liberal academic institutions, and independent media such as RFA and Voice of America. Information can be shared between these nodes quickly and freely; however, most governments or foundations would find it not only risky, but also logistically difficult to systemically fund these activists.

¶14. (C) Activists complain there are many effective individual activists, but no organized connection between groups. The difficulty these activists face is how to leave their underground status and organize in a manner that will not lead to a crackdown from the government. So far there is no effective solution to this problem. As leaders such as Gao and Guo have been detained, new leaders have emerged and are compelled to continue pushing for short-term gains. Notably, Tang Jingling has become more political since the detention of Guo Feixiong in what appears to be an attempt to replace Guo as South China's rights protection leader. Tang's call for more protests and petitions could lead to his arrest.

¶15. (C) Activists say that South China's traditionally more liberal environment has allowed a number of rights protection-related NGOs. One success story is the progressive Guangdong Humanistic Association (protect), which is registered with the government, has high-level party connections, and controls its own independent media source (although the group is now facing increased pressure). Some also point to the work of Guangdong's numerous labor NGOs (though these groups have also been stymied, ref A), which are slowly educating workers on their rights and connecting them in groups beyond government control.

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